

CAB Minutes
December 12, 2015

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, December 12, 2015

Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance

Board Members

Beth Pochtar, Chair
John Scialla, Vice Chair
John Fritzen
George Hrin
Henry Kelly
Arthur Londensky
Gregory Moten
Valerie Waricka
Alan Wilkins

DCA Staff

Edward M. Smith, Director, Division of Codes and Standards
Michael Baier, Bureau of Code Services
Lou Mraw, Office of Regulatory Affairs
Robert Austin, Code Assistance Unit
Paulina Caploon, Bureau of Code Services
John Delesandro, Education and Licensing Units
Dave Greenhill, Code Assistance Unit
Tom Pitcherello, Code Assistance Unit
Emily Templeton, Code Development Unit
John Terry, Code Assistance Unit
Michael Whalen, Code Assistance Unit

Guests

Alexi Assmus, Citizens' Group, Fire Hazards and Lightweight Wood
David Castner, Sheet Metal LU 22, HVACR Contractor
Jeffrey Heiss, Township of Warren
Briam Kamp, Sheet Metal LU 27
Thomas LaMonaco, New Jersey Electrical Contractor
Stephen Rodnizak, Vice Chair, Plumbing Subcode Committee
Grace Sinden, Fire Hazards and Lightweight Wood

Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:35 a.m.

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A. Approval of Minutes of the Code Advisory Board Meeting of October 9, 2015

Mr. Arthur Londensky made a motion, which was seconded by Mr. Henry Kelly, to approve the minutes without change. The motion carried unanimously.

B. Subcode Committee Reports

Barrier Free Subcode Committee: In Mr. John DeColle's absence, Ms. Emily Templeton reported that the Barrier Free Subcode Committee did not meet.

Building Subcode Committee: Mr. John Scialla, Chair, reported that the Building Subcode Committee met on December 4, 2015; agenda items were discussed.

Electrical Subcode Committee: Mr. Alan Wilkins, Chair, reported that the Electrical Subcode Committee met on November 12, 2015; agenda items were discussed.

Elevator Subcode Committee: Mr. George Hrin, Chair, reported that the Elevator Subcode Committee met on December 4, 2015; agenda items were discussed.

Fire Protection Subcode Committee: Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee met on November 12, 2015; agenda items were discussed.

Mechanical/Energy Subcodes Committee: Mr. John Fritzen, Chair, reported that the Mechanical/Energy Subcodes Committee met on November 19, 2015; agenda items were discussed.

Plumbing Subcode Committee: Mr. Steven Rodnizak, Vice Chair, reported that the Plumbing Subcode Committee met on November 20, 2015; agenda items were discussed.

C. Old Business

1. Review of Education Standards (N.J.A.C. 5:23-5.20)

Mr. John Delesandro, Supervisor, Education and Licensing Units, explained to the Board that the Department is seeking input in reviewing and updating the educational requirements for construction code inspector licensure. The Department asks the Board to review and comment on a current regulations, particularly experience and education requirements.

Copies of the current regulations, with a request for review and discussion, were referred to all Committees. The Committees have had four months (two meetings) to consider changes.

The Chairs of the Building, Electrical, Elevator, Fire Protection, Mechanical/Energy, and Plumbing Subcodes Committees reported that the discussion of this agenda item has begun; recommendations will be presented at the February 2016 Code Advisory Board (CAB) meeting.

Ms. Valerie Waricka, Board representative of the Technical Assistants to the Construction Official (TACO), recommended that educational requirements and continuing education courses be included for Technical Assistants

The agenda item was tabled for discussion at the February 12, 2016 CAB meeting.

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2. Draft Rule: Permits and Certificate Requirements (N.J.A.C. 5:23-2.6, 2.23)

Mr. John Terry reported that the draft rule on permit and certificate requirements would ensure that N.J.A.C. 5:23-2.6, Change of Use, which addresses the need for a new certificate of occupancy prior to a change of occupancy, and N.J.A.C. 5:23-2.23, Certificate requirements, which addresses the need for a certificate to change back to a previous occupancy once a change of use has occurred, would have the same language, to ensure that the code user will have consistent requirements in both places. The Chairs of the Subcode Committees reported on their Committee discussions.

Mr. John Scialla, Chair, Building Subcode Committee, reported on the Building Subcode Committee's discussion. The Committee recommended that "detached" be added to the draft amendment to bathroom exhaust fans at N.J.A.C. 5:23-2.7, Ordinary maintenance; this would mean that the provision would apply to detached, but not to attached, dwellings.

The Building Subcode Committee held a lengthy discussion on portable hot tubs and expressed concern about the placement of pools and hot tubs because of the loads imposed on the supporting structure. Committee members also expressed concern about the possibility that the device could be plugged into a non-GFCI receptacle.

Mr. Alan Wilkins, Chair, reported that the Electrical Subcode Committee supported the amendment because there is a GFCI molded plug that is integral to the portable hot tub. The Electrical Subcode Committee recommended adding "storable pool" to "portable hot tubs", not requiring a permit for either because they too have an integral GFCI molded plug.

Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee recommended that the responsibilities for mechanical inspector be qualified to provide that the mechanical inspector could perform the inspection as long as a fire-rated assembly is not being penetrated. Committee members also recommended that the responsibility for chimney verification certificates in existing dwellings should be changed from fire and building to mechanical.

Chairs of the other Subcode Committees reported that there were no comments.

Board discussion ensued. Turning back to the recommendation that portable pools and hot tubs be deleted from Ordinary maintenance (N.J.A.C. 5:23-2.7) due to concern about the loads imposed, one Board member asked whether a portable pool or hot tub actually is a concern since it can be moved. Another Board member asked what the inspector would be looking for. Another Board member asked whether the concern remained if the pool or hot tub were on the ground or on a slab. One Board member observed that although the definition of storable pool includes a maximum depth, it does not give any maximum size. One Board member proposed that a distinction could be made between a temporary pool and a pool in a fixed location, but it was pointed out that these are portable hot tubs only and, therefore, would not have a fixed location.

One Board member recommended that the rule be revised to limit ordinary maintenance to the electrical subcode due to the integral GFCI molded plug; another Board member recommended limiting ordinary maintenance to those portable hot tubs that are on a slab or on grade.

Mr. George Hrin made a motion, which was seconded by Mr. Arthur Londensky, for the draft rule to be amended with the limitations described above with regard to location and the integral GFCI molded plug; the revised draft rule would then be brought back before the Board. The motion carried unanimously.

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3. Draft Rule: Combustible Dust (N.J.A.C. 5:23-2.2)

Mr. John Terry framed the issue for discussion. This draft rule would make it clear that equipment, processes, or operations that involve dust explosion hazards would not be considered manufacturing, production, or process equipment and, therefore, are subject to the Uniform Construction Code.

This rule was referred to the Building, Electrical, Fire Protection, and Mechanical/Energy Subcodes Committees.

Mr. John Scialla, Chair, reported that the Building Subcode Committee recommended that the draft rule be amended to encompass a “potential dust explosion.”

Mr. Arthur Londensky made a motion, which was seconded by Mr. Alan Wilkins, to approve the draft rule with the change recommended by the Building Subcode Committee. The motion carried unanimously.

4. Draft Rule: Gas Meter Replacement (N.J.A.C. 5:23-2.14)

Mr. John Terry explained that the Uniform Construction Code (UCC) currently waives the construction permit requirements for the replacement of interior gas utility company-owned meters with exterior gas utility company-owned meters when the work is performed by employees of the gas utility company. The Department implemented a pilot program to determine whether this work could be performed by contractors hired by the utility. A pilot program was initiated. The draft rule would codify the protocol used in the pilot program.

The draft rule was referred to the Building and Mechanical/Energy Subcodes Committees.

Mr. John Terry asked that the Board table its discussion pending further review of this program. The Department must investigate an allegation that the pilot program has not been effective.

Mr. Arthur Londensky made a motion, which was seconded by Mr. Greg Moten, to table this agenda item. The motion carried unanimously.

5. Draft Rule: Updates of Cross-references to the Uniform Construction Code (UCC) for the 2015 National Model Codes (N.J.A.C. 5:23-2.7, 2.15, 2.35, 3.2,n 3.8, 3.11, 4.26, 12.8)

This rule was sent to all Committees.

Mr. John Scialla, Chair, reported that the Building Subcode Committee identified several editorial corrections, which are enumerated in the Building Subcode Committee minutes.

Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee recommended that the phrase “installed in any structure” be removed from two sections as it is not needed.

Mr. John Fritzen, Chair, reported that the Mechanical/Energy Subcodes Committee recommended that “kitchen hood installation” be changed to “kitchen hood replacement.”

Mr. Greg Moten pointed out that N.J.A.C. 5:23-2.35 has no specific provisions for code violations that are identified in commercial buildings; he recommended that such a list would be valuable. There was a brief discussion about the provisions in N.J.A.C. 5:23-2.35, which came into the UCC as a result of the DKM lawsuit in which violations were found to be replicated in multiple buildings throughout a residential development project. In the DKM lawsuit truss bracing was found to be a problem throughout a development project. Mr. Moten pointed out that design professionals are being asked to correct problems that they inherit with a project, but

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there is no clear process to follow. Mr. Lou Mraw, Office of Regulatory Affairs, replied that the construction official can expand the scope of the project to include the identified existing code violations that require correction. Mr. Moten responded that it is sometimes difficult, in the absence of clear direction in the code, to expand the scope of the work. One Board member pointed out that there is a problem determining who is responsible for bearing the cost of the correction and observed that the Statute of Repose applies. Following a short discussion, it was agreed that Division staff would look into this issue more thoroughly and would respond more specifically to Mr. Moten. The issue will become an agenda item for the Board in the future, if necessary.

Mr. Greg Moten made a motion, which was seconded to Mr. John Scialla, to approve the code updates as amended by Subcode Committee recommendations. The motion carried unanimously.

D. New Business

1. Draft Update: Bulletin 03-4 (Wind).

The draft revised bulletin was sent to the Building Subcode Committee in advance of this meeting. Mr. John Scialla, Chair, reported that the Building Subcode Committee approved the updated bulletin without change.

Ms. Beth Pochtar asked whether it would be possible to include the map. Mr. John Terry explained that the software, for which a link is provided in the revised bulletin, pinpoints an exact location for wind speed. It has not been possible to obtain a copy of the most recent map and the map that we have is no longer accurate. However, with the accuracy of the link, the map is likely to be superfluous.

Mr. Alan Wilkins made a motion, which was seconded by Mr. Arthur Londensky, to approve the draft update without change. The motion carried unanimously.

2. Draft Rule: Elimination of Six-month Elevator Inspections (N.J.A.C. 5:23-12)

Mr. Michael Baier, Bureau of Code Services, explained that this is a national problem. There is a shortage of elevator inspectors. It is becoming difficult to schedule the inspectors, despite offering overtime and using temporary employees. There is concern that by keeping the six-month inspection as a requirement, it appears that inspections are being performed when they are not.

The draft rule was referred to the Elevator Subcode Committee.

3. Draft Rule: Carbon Monoxide Detectors in Commercial Buildings (N.J.A.C. 5:23-3.14)

Mr. Michael Whalen, Code Assistance Unit, explained that this is a statutory requirement and asked that all Committees review this. There is no directly applicable technical standard to reference.

The draft rule was referred to all Subcode Committees.

4. Mechanical Inspection Sticker

This agenda item had mistakenly been omitted from the Board packets, but had been sent to the following technical subcode committees, Building, Fire Protection, Mechanical/Energy, and Plumbing, for review and comment.

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Mr. John Scialla, Chair, reported that the Building Subcode Committee thought that there is no need for an additional sticker because the mechanical inspector can use the “Other” line on the existing sticker.

Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee supported issuing a mechanical inspection sticker.

Mr. John Fritzen, Chair, reported that the Mechanical/Energy Subcodes Committee recommended that the items at N.J.A.C. 5:23-3.4 be listed for checkmarks on the sticker. The Committee also asked whether a plumbing inspector who has been assigned mechanical inspections would use the mechanical inspection sticker or the plumbing inspection sticker.

One Board member commented that an inspector performing a mechanical inspection should not use a sticker associated with a different technical discipline. If the plumbing inspector is assigned to perform mechanical inspections, the inspector should have a mechanical inspection sticker for mechanical inspections. It was pointed out that everyone who is a licensed mechanical inspector is also licensed in something else. One Board member asked whether there was a reason not to issue a mechanical inspection sticker.

Mr. Arthur Londensky made a motion, which was seconded by Mr. Alan Wilkins, to approve the mechanical inspection sticker. The motion carried unanimously.

E. Information

1. CAB Meeting Dates 2016
2. CAB Log: The updated Code Advisory Board activity log was included in the meeting packets.
3. List of Pending Legislation: A list of pending legislation on issues that impact construction and the Uniform Construction Code was included in the meeting packet.

F. Public Comments

There were no public comments.

G. Adjourn

The meeting was adjourned at 10:45 a.m.